

# SENATE RECORD VOTE ANALYSIS

105th Congress  
2nd Session

Vote No. 42

March 25, 1998, 3:26 pm  
Page S-2542 Temp. Record

## EMERGENCY SUPPLEMENTAL/No Extra Emergency FEMA Funds

**SUBJECT:** Emergency Supplemental Appropriations Bill for fiscal year 1998 . . . S. 1768. Bond motion to table the Nickles amendment No. 2131 to the Bond/Mikulski amendment No. 2123.

### ACTION: MOTION TO TABLE AGREED TO, 68-31

**SYNOPSIS:** As reported, S. 1768, the Emergency Supplemental Appropriations Bill for fiscal year 1998, will provide \$3.109 billion in mandatory and discretionary budget authority, including \$1.992 billion in emergency funding for the Department of Defense, \$561.9 million to respond to natural disasters and other emergencies, and \$278.0 million in other discretionary supplemental appropriations. A total of \$273.9 million in rescissions and other offsets will also be enacted.

The Bond/Mikulski amendment would add an extra \$1.6 billion emergency appropriation for the Federal Emergency Management Administration (FEMA). That funding would be for incremental costs for responding to emergencies declared this year and in prior years, and it would be for paying for emergencies that have not yet been declared because they have not yet occurred. The amount given for extra emergency spending for emergencies that have not yet occurred would be based on the average amount spent the last few years on emergencies. (Each year, Congress appropriates funds for disaster assistance and other emergencies. It knows disasters will occur, and it budgets for them. When the amount of needed aid exceeds the budgeted amount, emergency supplemental bills are passed. Those bills may be, but do not have to be, offset.)

The **Nickles amendment** would strike the emergency designation from the Bond/Mikulski amendment.

During debate, Senator Bond moved to table the Nickles amendment. A motion to table is not debatable; however, some debate preceded the making of the motion. Generally, those favoring the motion to table opposed the amendment; those opp

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(See other side)

YEAS (68)		NAYS (31)		NOT VOTING (1)	
Republicans (26 or 48%)	Democrats (42 or 93%)	Republicans (28 or 52%)	Democrats (3 or 7%)	Republicans (1)	Democrats (0)
Bennett	Akaka	Inouye	Abraham	Feingold	Roth- <sup>2</sup>
Bond	Baucus	Johnson	Allard	Kohl	
Campbell	Biden	Kennedy	Ashcroft	Robb	
Chafee	Bingaman	Kerrey	Brownback		
Cochran	Boxer	Kerry	Burns		
Collins	Breaux	Landrieu	Coats		
Coverdell	Bryan	Lautenberg	Craig		
D'Amato	Bumpers	Leahy	Enzi		
DeWine	Byrd	Levin	Faircloth		
Domenici	Cleland	Lieberman	Gramm		
Frist	Conrad	Mikulski	Grams		
Gorton	Daschle	Moseley-Braun	Gregg		
Grassley	Dodd	Moynihan	Hagel		
Jeffords	Dorgan	Murray	Hatch		
Lott	Durbin	Reed	Helms		
Lugar	Feinstein	Reid	Hutchinson		
Mack	Ford	Rockefeller	Hutchison		
McConnell	Glenn	Sarbanes	Inhofe		
Roberts	Graham	Torricelli	Kempthorne		
Shelby	Harkin	Wellstone	Kyl		
Smith, Gordon	Hollings	Wyden	McCain		
Snowe			Murkowski		
Specter			Nickles		
Stevens			Santorum		
Thurmond			Sessions		
Warner			Smith, Bob		
			Thomas		
			Thompson		

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Federal response will occur, and it budgets for them. For instance, in a country as large as the United States it is guaranteed that every year there will be a few natural disasters, such as floods or hurricanes, that will cause enough damage to overwhelm the ability of local governments to provide relief. A few years ago, when spending caps were put into the Budget Act, some Senators noted that under rare circumstances emergency spending well in excess of the historical average may be necessary in a given year. No one can know when such spending will be necessary, and consequently it is not possible to budget ahead of time for it. Those Senators further argued that in the event that such atypical, excessive emergency needs arose, Congress should not have to waste time trying to find offsets before giving assistance. When people's homes are destroyed and they need shelter for the night, or when sandbags need to be thrown up to stop a flood, or when any other immediate help is needed, Congress should not wait until it can find offsets. It should help, and figure out how to pay for it later. Therefore, those Senators argued for a clause in the Budget Act to allow Congress to spend in excess of the spending caps in any year that it found that it had wrongly estimated, and budgeted for, the amount of emergency funding that would be needed. Their argument prevailed.

Unfortunately, that emergency clause of the Budget Act has been subject to extreme abuse ever since it was enacted. Liberal Senators quickly noticed that calling anything an emergency allowed them to borrow more money to spend in excess of the spending caps. President Clinton, upon being elected, tried to shove a giant porkbarrel deficit-spending bill through Congress that would have funded everything from bike paths to swimming pools by calling it emergency spending. The clause has even been abused when it has been used legitimately, because attempts have rarely been made after the emergencies have passed to find offsets.

Many Republicans have been fighting this abusive use of the emergency designation for many years. Since they took over Congress they have made great progress. The amount and purposes of "emergency" spending have both stayed much higher than they were before the enactment of the Budget Act loophole for such spending, but at the same time Republicans have been successful in enacting offsets. Under the rules, they are not required to pay for the spending, but they have found ways to respond to disasters without increasing the deficit. This bill is the first major exception to that principle since Republicans have taken over Congress. Most of the emergency spending in the bill is for unanticipated defense needs, and offsets have not been provided. Some of the other emergency spending is for natural disasters, and, again, no offsets have been provided.

Making matters much worse, the Bond/Mikulski amendment would go one step farther than even liberal, spendthrift Democrats dared when they controlled both Houses of Congress and the White House. This amendment would increase spending in excess of the spending caps for emergencies that have not even occurred, and it would base that increase on the recent average annual amount spent on emergencies. What type of horrible new principle are we following? Under the logic of the Bond/Mikulski amendment, the Senate knows that an average amount of spending to respond to emergencies is going to be needed in a year, so, instead of planning for that spending in its budget, it should, ahead of time, agree that it should just borrow and spend the money without ever trying to stay within its budget? This money will be available until expended, whether this year, next year, or beyond. With all due respect, this is not a responsible way to budget.

Eliminating the emergency designation would not hinder the United States' ability to respond to any emergency needs in any way. All it would do is force Congress and the President to pay for any help they give. We do not think many Members have thought this through very clearly. The Clinton Administration only yesterday made the request for this \$1.6 billion, and Members now seem more than willing to add it to the gravy train. We urge our colleagues to stop and think about what they are doing. The Senate, for the first time, should not plan on being irresponsible ahead of time by breaking the spending caps for emergencies that have not even happened yet.

**Those opposing the amendment contended:**

Our colleagues are correct in much of what they say. FEMA's role has been expanded greatly, and we believe to a large extent inappropriately. We do not like seeing this relief agency being abused by politicians as a vehicle for bringing home the bacon with money outside of the spending caps. That money should be used to reduce the deficit or debt or to save Social Security, period. It should not be used by Federal politicians to buy votes by paying for local projects under the "emergency" label. Each year, Congress should make an honest estimate of how much real emergency funding will be necessary, and it should budget for those costs within the spending caps. We are very sorry to say, though, that Congress does not follow that procedure. The sponsors of the Bond/Mikulski amendment have tried to get reforms enacted to reform FEMA but they have not been successful. Be that as it may, enacting the Nickles amendment would not offer a solution. It would just force cuts in other areas. We ask our colleagues--should we work on reforming FEMA, or should we just put all of its spending, justified or not, on budget and thus end up cutting needed programs to pay for FEMA's excessive spending? This year, we know that we are going to need this \$1.6 billion because no reforms are going to be enacted in the next few months. We are not pleased by that fact, but it is unavoidable. We support an emergency designation this time because if it is removed other programs that are funded out of the same allocation as FEMA, such as housing or veterans health, will have to be cut. Therefore, we must oppose the Nickles amendment.